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8 *Attorneys for Defendants State of California*
(by and through the California Highway
9 *Patrol) and Sergio Flores*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

13 JACOB GREGOIRE,

14 Plaintiff,

15 v.

16
17 CALIFORNIA HIGHWAY PATROL,
an agency of the State of California;
18 SERGIO FLORES, and DOES 1 to 20,
19 Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**JOINT MOTION FOR ENTRY OF
PROTECTIVE ORDER
REGARDING PEACE OFFICER
PERSONNEL FILES**

Date: Ex Parte
Time: Ex Parte
Courtroom: Tenth Floor (Annex)
Judge: The Honorable David H.
Bartick

22 **TO THE ABOVE-ENTITLED COURT:**

23 Plaintiff and Defendants hereby stipulate to the following and jointly move
24 this Court for entry of a Protective Order governing use and disclosure of
25 CERTAIN CALIFORNIA HIGHWAY PATROL RECORDS previously requested
26 by Plaintiff in document demands in this action:

27 1. The term "CERTAIN CALIFORNIA HIGHWAY PATROL RECORDS"
28 used in this Order is defined as follows:

1 a. The complete CHP Personnel File for Defendant Officer Sergio Flores
2 (with the exception of those documents that will be identified by Defendants on a
3 privilege and non-relevancy log and those documents previously identified by
4 Defendants as subject to attorney/client privilege or attorney work product). To the
5 extent the documents being produced have personal information pertaining to the
6 officer (such as social security number, date of birth, home addresses or telephone
7 numbers, benefits information, or medical information) or the names and similar
8 personal information of the officer's family members, such information will be
9 redacted by black marker from the documents before production. For any
10 documents containing third-parties' social security numbers or dates of birth, such
11 information will also be redacted with black marker.

12 2. Plaintiff and his attorneys in this action are expressly prohibited from using
13 or disclosing the CERTAIN CALIFORNIA HIGHWAY PATROL RECORDS
14 obtained pursuant to this Order for any purpose other than the evaluation of the
15 claims and defenses in this action, and for the development, preparation, and
16 presentation of Plaintiff's claims in the present action. Defendants may also use
17 and disclose the identified records for evaluation of the claims and defenses in this
18 action, and for the development, preparation, and presentation of Defendants'
19 defenses in the present action. However, Defendants may also continue to use and
20 disclose the identified records as Defendants and/or the California Highway Patrol
21 would need to use and disclose them in the ordinary course of business and/or for
22 any other present or future litigation (criminal, civil, and/or administrative) and/or
23 personnel matters in which the records may need to be used or disclosed.

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1 3. Such permitted use includes disclosure of the CERTAIN CALIFORNIA
2 HIGHWAY PATROL RECORDS to the following described persons or entities in
3 the course of this action, all of whom shall be advised of the requirements of this
4 stipulation and the obligation for them to also comply with the protective order:

5 a. The parties' attorneys of record in this action, and members of the
6 paralegal, secretarial, and clerical staff employed or retained by the parties'
7 attorneys of record and assisting in connection with this action.

8 b. Members of the data entry and data processing staff employed or
9 retained by the parties' attorneys of record and assisting in the development or use
10 of data retrieval systems in connection with this action.

11 c. Court reporters employed by a party holding depositions to transcribe
12 the testimony produced in any depositions necessitated by this action. Every court
13 reporter shall separately bind transcript exhibits consisting of any of the CERTAIN
14 CALIFORNIA HIGHWAY PATROL RECORDS and shall place on the first page
15 of each such bound portion the following legend:

16 This transcript contains documents designated confidential
17 pursuant to the Protective Order Regarding Use of Certain
18 California Highway Patrol Records in the case of Jacob
19 Gregoire v. California Highway Patrol, et al., United States
20 District Court for the Southern District of California, Case
21 Number 14-cv-01749-GPC (DHB). These documents are not
22 to be disclosed to anyone to whom their disclosure is not
23 expressly permitted by said protective order.

24 d. Expert witnesses retained by the parties either for consultation in the
25 course of preparation of their claims or defenses for trial and/or for use by such
26 expert witnesses in the preparation of their testimony for deposition or trial and for
27 giving actual testimony.

1 e. Those members of the California Highway Patrol (including said
2 agency's Staff Attorneys assigned to handle this litigation) and/or other State
3 agencies, entities, or officials who must be consulted on settlement offers or
4 negotiations.

5 f. Those personnel employed by copy services and exhibit production
6 service companies that may be hired by the parties' counsel to duplicate documents
7 and/or to prepare trial exhibits in this action.

8 g. Jury consultants hired by the parties to assist in the trial of this matter.

9 h. A mutually-agreed-upon mediator retained by the parties' attorneys of
10 record.

11 4. If the parties seek to file any of the CERTAIN CALIFORNIA HIGHWAY
12 PATROL RECORDS in support of any future pleadings or motions, the party must
13 first proceed with an application to request that the records be kept under seal under
14 Judge Bartick's Chamber's Rules section V, subdivision A, which provides as
15 follows:

16 No document shall be filed under seal unless counsel secures a court
17 order allowing the filing of a document under seal. An application to
18 file a document under seal shall be served on opposing counsel, and on
19 the person or entity that has custody and control of the document, if
20 different from opposing counsel. If opposing counsel, or the person or
21 entity who has custody and control of the document, wishes to oppose
22 the application, he/she must contact the chambers of the judge who
23 will rule on the application, to notify the judge's staff that an
24 opposition to the application will be filed.

25 5. At the conclusion of this action (which will be the point at which a final
26 judgment has been rendered and all appellate avenues of relief by any parties have
27 been exhausted), Plaintiff and his attorneys of record are ordered to either: (1)
28 return all copies of the CERTAIN CALIFORNIA HIGHWAY PATROL

1 RECORDS to counsel for Defendants, or (2) destroy all copies of the records. This
2 Order does not require destruction of the originals of such records as they are kept
3 and used in the ordinary course of business by Defendants and the California
4 Highway Patrol.

5 6. The Court may modify the terms and conditions of the Protective Order for
6 good cause, or in the interests of justice, or on its own order at any time in these
7 proceedings.

8 **IT IS SO STIPULATED AND REQUESTED BY THE PARTIES:**

9
10 Dated: July 29, 2015

Respectfully submitted,

11 CASEY GERRY SCHENK
12 FRANCAVILLA BLATT &
PENFIELD, LLP

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14 S/THOMAS D. LUNEAU, ESQ.
15 THOMAS D. LUNEAU, ESQ.
Attorneys for Plaintiff Jacob
Gregoire

16 Dated: July 29, 2015

Respectfully submitted,

17 GILLEON LAW FIRM

18
19 S/DANIEL M. GILLEON, ESQ.
20 DANIEL M. GILLEON, ESQ.
21 *Attorneys for Plaintiff Jacob*
Gregoire

1 Dated: July 29, 2015

Respectfully submitted,

2 LAW OFFICE OF STEVE
3 HOFFMAN

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5 S/STEPHEN E. HOFFMAN, ESQ.
6 STEPHEN E. HOFFMAN, ESQ.
7 *Attorneys for Plaintiff Jacob*
8 *Gregoire*

9 Dated: July 29, 2015

Respectfully submitted,

10 KAMALA D. HARRIS
11 Attorney General of California
12 RICHARD F. WOLFE
13 Supervising Deputy Attorney General
14 DOUGLAS E. BAXTER

15 S/DOUGLAS E. BAXTER
16 DOUGLAS E. BAXTER
17 Deputy Attorney General
18 *Attorneys for Defendants State of*
19 *California (by and through the*
20 *California Highway Patrol) and*
21 *Sergio Flores*

22 I, Douglas E. Baxter, by my signature above, affirm and certify that all other
23 signatories listed above, and on whose behalf this filing is submitted, concur in the
24 filing's content and have authorized the filing.
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